

# Order

Entered: July 1, 2004

Michigan Supreme Court  
Lansing, Michigan

ADM File No. 2003-60

Amendment of  
Rule 5.125 of the  
Michigan Court Rules

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Maura D. Corrigan,  
Chief Justice

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Clifford W. Taylor  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments of Rule 5.125 of the Michigan Court Rules are adopted, effective September 1, 2004.

[Additions are indicated by underlining and deletions are indicated by strikeover.]

Rule 5.125 Interested Persons Defined

(A)-(B) [Unchanged.]

(C) Specific Proceedings. Subject to subrules (A) and (B) and MCR 5.105(E), the following provisions apply. When a single petition requests multiple forms of relief, the petitioner must give notice to all persons interested in each type of relief:

(1)-(5) [Unchanged.]

(6) The persons interested in a proceeding for examination of an account of a fiduciary are the

- (a) devisees of a testate estate, and if one of the devisees is a trustee or a trust, the persons referred to in MCR 5.125(B)(3),
- (b) heirs of an intestate estate,
- (c) protected person and presumptive heirs of the protected person in a conservatorship,
- (d) claimants, ~~and~~
- (e) current trust beneficiaries in a trust accounting, and

(f) such other persons whose interests would be adversely affected by the relief requested, including insurers and sureties who might be subject to financial obligations as the result of the approval of the account.

(7)-(31) [Unchanged.]

(D)-(E) [Unchanged.]

Staff Comment: The July 1, 2004, amendment of MCR 5.125, effective September 1, 2004, added persons and entities such as insurers and sureties whose interests would be adversely affected to the list of interested persons who must receive notice of a proceeding for an examination of an account of a fiduciary.

The staff comment is not an authoritative construction by the Court.

CAVANAGH, J. (*dissenting*). I dissent as I see no need to add this additional requirement.

KELLY, J., concurs with CAVANAGH, J.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 1, 2004 Corbin R. Davis

Clerk